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The Arab Convention For The Suppression Of Terrorism

League of Arab States

Adopted by the Council of Arab Ministers of the Interior and the Council of Arab Ministers of Justice

Cairo, April 1998

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Preamble

The Arab states signatory hereto,

Desiring to promote mutual cooperation in the suppression of terrorist offences, which pose a threat to the security and stability of the Arab Nation and endanger its vital interests,

Being committed to the highest moral and religious principles and, in particular, to the tenets of the Islamic Sharia, as well as to the humanitarian heritage of an Arab Nation that rejects all forms of violence and terrorism and advocates the protection of human rights, with which precepts the principles of international law conform, based as they are on cooperation among peoples in the promotion of peace,

Being further committed to the Pact of the League of Arab States, the Charter of the United Nations and all the other international conventions and instruments to which the Contracting States to this Convention are parties,

Affirming the right of peoples to combat foreign occupation and aggression by whatever means, including armed struggle, in order to liberate their territories and secure their right to self-determination, and independence and to do so in such a manner as to preserve the territorial integrity of each Arab country, of the foregoing being in accordance with the purposes and principles of the Charter of the United Nations and with the Organisation's resolutions.

Have agreed to conclude this convention and to invite any Arab State that did not participate in its conclusion to accede hereto.

Part One: Definitions and General Provisions

Article 1

Each of the following terms shall be understood in the light of the definition given;

1. Contracting State

Any member State of the League of Arab States that has ratified this Convention and that has deposited its instruments of ratification with the General Secretariat of the League.

2. Terrorism

Any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardise a national resources.

3. Terrorist offence

Any offence or attempted offence committed in furtherance of a terrorist objective in any of the Contracting States, or against their nationals, property or interests, that is punishable by their domestic law. The offences stipulated in the following conventions, except where conventions have not been ratified by Contracting States or where offences have been excluded by their legislation, shall also be regarded as terrorist offences:

- a. The Tokyo Convention on offences and Certain Other Acts Committed on Board Aircraft, of 14 September 1963;
- b. The Hague Convention for the Suppression of Unlawful Seizure of Aircraft, of 16 December 1970;
- c. The Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, of 23 September 1971, and the Protocol thereto of 10 May 1984;
- d. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 14 December 1973;

- e. The International Convention against the Taking of Hostages, of 17 December 1979;
- f. The provisions of the United Nations Convention on the Law of the Sea, of 1982, relating to piracy on the high seas.

Article 2

- a. All cases of struggle by whatever means, including armed struggle, against foreign occupation and aggression for liberation and self-determination, in accordance with the principles of international law, shall not be regarded as an offence. This provision shall not apply to any act prejudicing the territorial integrity of any Arab State.
- b. None of the terrorist offences indicated in the preceding article shall be regarded as a political offence. In the application of this Convention, none of the following offences shall be regarded as a political offence, even if committed for political motives:
 - c. Attacks on the kings, Heads of State or rulers of the contracting States or on their spouses and families;
 - d. Attacks on crown princes, vice-presidents, prime ministers or ministers in any of the Contracting States;
 - e. Attacks on persons enjoying diplomatic immunity, including ambassadors and diplomats serving in or accredited to the Contracting States;
 - f. Premeditated murder or theft accompanied by the use of force directed against individuals, the authorities or means of transport and communications;
 - g. Acts of sabotage and destruction of public property and property assigned to a public service, even if owned by another Contracting State;
 - h. The manufacture, illicit trade in or possession of weapons, munitions or explosives, or other items that may be used to commit terrorist offences.

Part Two: Principles of Arab Cooperation for the Suppression of Terrorism

Chapter I: The Security Field

Section I: Measures for the prevention and suppression of terrorist offences:

Article 3

Contracting States undertake not to organise, finance or commit terrorist acts or to be accessories thereto in any manner whatsoever. In their commitment to the prevention and suppression of terrorist offence in accordance with their domestic laws and procedures, they shall endeavour:

I. Preventive measures:

1. To prevent the use of their territories as a base for planning, organising, executing, attempting or taking part in terrorist crime in any manner whatsoever. This includes the prevention of terrorists; infiltration into, or residence in their territories either as individuals or groups, receiving or giving refuge to them, training, arming, financing, or providing any facilitation to them;
2. To cooperate and coordinate action among Contracting States, particularly neighbouring countries suffering from similar or common terrorist offences;
3. To develop and strengthen systems for the detection of the movement, importation, exportation, stockpiling and use of weapons, munitions and explosives and of other means of aggression, murder and destruction as well as procedures for monitoring their passage through customs and across borders in order to prevent their

transfer from one Contracting State to another or to third-party States other than for lawful purposes;

4. To develop and strengthen systems concerned with surveillance procedures and the securing of borders and points of entry over-land and by air in order to prevent illicit entry thereby;
5. To strengthen mechanisms for the security and protection of eminent persons, vital installations and means of public transportation,
6. To enhance the protection, security and safety of diplomatic and consular persons and missions and international and regional organisations accredited to Contracting States, in accordance with the relevant international agreements, which govern this subject;
7. To reinforce security-related information activities and to coordinate them with those of each State in accordance with its information policy, with a view to exposing the objectives of terrorist groups and organisations, thwarting their schemes and demonstrating the danger they pose to security and stability;
8. To establish, in each Contracting State, a database for the accumulation and analysis of information relating to terrorist elements, groups, movements and organisations and for the monitoring of developments with respect to the terrorist phenomenon and of successful experiences in counter-terrorism, and to keep such information up to date and make it available to the competent authorities of Contracting States, within the limits established by the domestic laws and procedures of each State;

II. Measures of suppression

1. To arrest the perpetrators of terrorist offences and to prosecute them in accordance with national law or extradite them in accordance with the provision's of this Convention or of any bilateral treaty between the requesting State and the requested State;
2. To provide effective protection for those working in the criminal justice field;
3. To provide effective protection for sources of information concerning terrorist offences and for witnesses thereof;
4. To extend necessary assistance to victims of terrorism;
5. To establish effective cooperation between the relevant agencies and the public in countering terrorism by, inter alia, establishing appropriate guarantees and incentives to encourage the reporting of ter-

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rorist acts, the provision of information to assist in their investigation, and cooperation in the arrest of perpetrators.

Section II: Arab cooperation for the prevention and suppression of terrorist offences

Article 4

Contracting States shall cooperate for the prevention and suppression of terrorist offences, in accordance with the domestic laws and regulations of each State, as set forth hereunder:

I. Exchanging of information

1. Contracting States shall undertake to promote the exchange of information between and among them concerning:
 - a. The activities and crimes of terrorist groups and of their leaders and members; their headquarters and training; the means and sources by which they are funded and armed; the types of weapons, munitions and explosives used by them; and other means of aggression, murder and destruction;
 - b. The means of communication and propaganda used by terrorist groups, their modus operandi; the movements of their leaders and members; and the travel documents that they use.
2. Each contracting State shall undertake to notify any other Contracting State in an expeditious manner of the information it has concerning any terrorist offence that takes place in its territory and is intended to harm the interests of that State or of its nationals and to include in such notification statements concerning the circumstances surrounding the offence, those who committed it, its victims, the losses occasioned by it and the devices and methods used in its perpetration, to the extent compatible with the requirements of the investigation and inquiry.

3. Contracting States shall undertake to cooperate with each other in the exchange of information for the suppression of terrorist offences and promptly to notify other Contracting States of all the information or data in their possession that may prevent the occurrence of terrorist offences in their territory, against their nationals or residents or against their interests.
4. Each Contracting State shall undertake to furnish any other Contracting State with any information or data in its possession that may:
 - a. Assist in the arrest of a person or persons accused of committing a terrorist offence against the interests of that State or of being implicated in such an offence whether by aiding and abetting, collusion or incitement;
 - b. Lead to the seizure of any weapons, munitions or explosives or any devices or funds used or intended for use to commit a terrorist offence.
5. Contracting States shall undertake to maintain the confidentiality of the information that they exchange among themselves and not to furnish it to any State that is not a Contracting State or any other party without the prior consent of the State that was the source of the information.

II. Investigations:

Contracting States shall undertake to promote cooperation among themselves and to provide assistance with respect to measures for the investigation and arrest of fugitives suspected or convicted of terrorist offences in accordance with the laws and regulations of each state.

III. Exchange of expertise:

1. Contracting States shall cooperate in the conduct and exchange of research studies for the suppression of terrorist offences and shall exchange expertise in the counter-terrorism field.
2. Contracting States shall cooperate, within the limits of their resources, in providing all possible technical assistance for the formulation of programmes or the holding of joint training courses or training courses intended for one state or for a group of Contracting States, as required for the benefit of those working in counter-

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terrorism with the aim of developing their scientific and practical abilities and enhancing their performance.

Chapter II: The Judicial Field

Section I: Extradition of Offenders

Article 5

Contracting States shall undertake to extradite those indicated for or convicted of terrorist offences whose extradition is requested by any of these states in accordance with the rules and conditions stipulated in this convention.

Article 6

Extradition shall not be permissible in any of the following circumstances:

- a. If the offence for which extradition is requested is regarded under the laws in force in the requested State as an offence of a political nature;
- b. If the offence for which extradition is requested relates solely to a dereliction of military duties;
- c. If the offence for which extradition is requested was committed in the territory of the requested contracting State, except where the offence has harmed the interests of the requesting State and its laws provide for the prosecution and punishment for such offences and where the requested State has not initiated any investigation or prosecution;
- d. If a final judgement having the force of *res judicata* has been rendered in respect of the offence in the requested Contracting State or in a third Contracting State;

- e. If, on delivery of the request for extradition, proceedings have been terminated or punishment has, under the law of the requesting State, lapsed because of the passage of time;
- f. If the offence was committed outside the territory of the requesting State by a person who is not a national of that State and the law of the requested State does not allow prosecution for the same category of offence when committed outside its territory by such a person;
- g. If the requesting State has granted amnesty to perpetrators of offences that include the offence in question;
- h. If the legal system of the requested State does not allow it to extradite its nationals. In this case, the requested State shall prosecute any such persons who commit in any of the other Contracting States a terrorist offence that is punishable in both States by deprivation of liberty for a period of at least one year or more. The nationality of the person whose extradition is sought shall be determined as at the date on which the offence in question was committed, and use shall be made in this regard of the investigation conducted by the requesting state.

Article 7

Should the person whose extradition is sought be under investigation, on trial or already convicted for another offence in the requested State, his concluded, the trial is completed or the sentence is imposed. The requested State may nevertheless extradite him on an interim basis for questioning or trial provided that he is returned to that State before serving the sentence imposed on him in the requesting State.

Article 8

For purposes of the extradition of offenders under this Convention, no account shall be taken of any difference there may be in the domestic legislation of Contracting States in the legal designation of the offence as a felony or a misdemeanour or in the penalty assigned to it, provided

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that it is punishable under the laws of both States by deprivation of liberty for a period of at least one year or more.

Section II: Judicial Delegation

Article 9

Each Contracting State may request any other Contracting State to undertake in its territory and on its behalf any judicial procedure relating to an action arising out of a terrorist offence and, in particular:

- a. To hear the testimony of witnesses and take depositions as evidence;
- b. To effect service of judicial documents;
- c. To execute searches and seizures;
- d. To examine and inspect evidence;
- e. To obtain relevant documents and records or certified copies thereof.

Article 10

Each of the Contracting States shall undertake to implement judicial delegations relating to terrorist offences, but such assistance may be refused in either of the two following cases:

- a. Where the request relates to an offence that is subject to investigation or prosecution in the requested State;
- b. Where granting the request might be prejudicial to the sovereignty, security or public order of the requested State.

Article 11

The request for judicial delegation shall be granted promptly in accordance with the provisions of the domestic law of the requested State. The latter may postpone the execution of the request until such time as any ongoing investigation or prosecution involving the same matter are completed or any compelling reasons for postponement cease to exist, provided that the requesting State is notified of such postponement.

Article 12

- a. A measure that is undertaken by means of a judicial delegation, in accordance with the provisions of this Conventions, shall have the same legal effect as if it had been taken by the competent authority of the requesting State
- b. The result of implementing the judicial delegation may be used only for the purpose for which the delegation is issued.

Section III: Judicial cooperation

Article 13

Each contracting State shall provide the other States with all possible and necessary assistance for investigations or prosecutions relating to terrorist offences.

Article 14

- a. Where one of the Contracting States has jurisdiction to prosecute a person suspected of a terrorist offence, it may request the State in which the suspect is present to take proceedings against him for

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that offence, subject to the agreement of that State and provided that the offence is punishable in the prosecuting State by deprivation of liberty for a period of at least one year or more. The requesting state shall, in this event, provide the requested state with all the investigation documents and evidence relating to the offence.

- b. The investigation or prosecution shall be conducted on the basis of the charge or charges made by the requesting state against the suspect, in accordance with the provisions and procedures of the law of the prosecuting state.

Article 15

The submission by the requesting state of a request for prosecution in accordance with paragraph (a) of the preceding article shall entail the suspension of the measures taken by it to pursue, investigate and prosecute the suspect whose prosecution is being requested, with the exception of those required for the purposes of the judicial cooperation and assistance, or the judicial delegation, sought by the State requested to conduct the prosecution.

Article 16

- a. The measures taken in either the requesting State or that in which the prosecution takes place shall be subject to the law of the State in which they are taken and they shall have the force accorded to them by that law.
- b. The requesting State may try or retry a person whose prosecution it has requested only if the requested State declines to prosecute him.
- c. The State requested to take proceedings shall in all cases undertake to notify the requesting State of what action it has taken with regard to the request and of the outcome of the investigation or prosecution.

Article 17

The State requested to take proceedings may take all the measures and steps established by its law with respect to the accused both before the request to take proceedings reaches it and subsequently.

Article 18

The transfer of competence for prosecution shall not prejudice the rights of the victim of the offence, who reserves the right to approach the courts of the requesting State or the prosecuting State with a view to claiming his civil-law rights as a result of the offence.

Section IV: Seizure of assets and proceeds derived from the offence

Article 19

- a. If it is decided to extradite the requested person, any Contracting State shall undertake to seize and hand over to the requesting State the property used and proceeds derived from or relating to the terrorist offence, whether in the possession of the person whose extradition is sought or that of a third party.
- b. Once it has been established that they relate to the terrorist offence, the items indicated in the preceding paragraph shall be surrendered even if the person to be extradited is not handed over because he has absconded or died or for any other reason.
- c. The provisions of the two preceding paragraphs shall be without prejudice to the rights of any Contracting State or of bona fide third parties in the property or proceeds in question.

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Article 20

The State requested to hand over property and proceeds may take all the precautionary measures necessary to discharge its obligation to hand them over. It may also retain such property or proceeds on a temporary basis if they are required for pending criminal proceedings or may, for the same reason, hand them over to the requesting State on condition that they are returned.

Section V: Exchange of evidence

Article 21

Contracting States shall undertake to have the evidence of any terrorist offence committed in their territory against another Contracting State examined by their competent agencies, and they may seek the assistance of any other Contracting State in doing so. They shall take the necessary measures to preserve such evidence and ensure its legal validity. They alone shall examination to the State against whose interests the offence was committed, and the Contracting State or States whose assistance is sought shall not pass this information to any third party.

Part Three: Mechanisms for Implementing Cooperation

Chapter I: Extradition Procedures

Article 22

Requests for extradition shall be made between the competent authorities in the Contracting States directly, through their ministries of justice or the equivalent or through the diplomatic channel.

Article 23

The request for extradition shall be made in writing and shall be accompanied by the following:

- a. The original or an authenticated copy of the indictment or detention order or any other documents having the same effect and issued in accordance with the procedure laid down in the law of the requesting State;
- b. A statement of the offences for which extradition is requested, showing the time and place of their commission, their legal designation and a reference to the legal provisions applicable thereto, together with a copy of the relevant provisions;
- c. As accurate a description as possible of the person whose extradition is sought, together with any other information that may serve to establish his identity and nationality.

Article 24

1. The judicial authorities in the requesting State may apply to the requested State by any of the means of written communication for the provisional detention of the person being sought pending the presentation of the request for extradition.
2. In this case, the State from which extradition is requested may detain the person being sought on a provisional basis. If the request for extraction is not presented together with the necessary documents specified in the preceding article, the person whose extradition is being sought may not be detained for more than 30 days from the date of his arrest.

Article 25

The requesting State shall submit a request accompanied by the documents specified in article 23 of this Convention. If the requested State determines that the request is in order, its competent authorities shall grant the request in accordance with its own law and its decision shall be promptly communicated to the requesting State.

Article 26

1. In all of the cases stipulated in the two preceding articles, the period of provisional detention shall not exceed 60 days from the date of arrest.
2. During the period specified in the preceding paragraph, the possibility of provisional release is not excluded provided that the State from which extradition is requested takes any measures it considers necessary to prevent the escape of the person sought.
3. Such release shall not prevent the rearrest of the person concerned or his extradition if a request for extradition is received subsequently.

Article 27

Should the requested State consider that it requires supplementary information in order to ascertain whether the conditions stipulated in this Chapter has been met, it shall notify the requesting State accordingly and a date for the provision of such information shall be established.

Article 28

Should the requested State receive several requests for extradition from different States, either for the same offence or for different offences, it shall make its decision having regard to all the circumstances and, in particular, the possibility of subsequent extradition, the respective dates when the requests were received, the relative seriousness of the offences and the place where the offences were committed.

Chapter II: Procedures for Judicial Delegation

Article 29

Request relating to judicial delegations shall contain the following information:

- a. The authority presenting the request;
- b. The subject of and reason for the request;
- c. An exact statement, to the extent possible, of the identity and nationality of the person concerned;
- d. A description of the offence in connection with which the request for a judicial delegation is being made, its legal designation, the penalty established for its commission, and as much information as possible on the circumstances so as to facilitate the proper functioning of the judicial delegation.

Article 30

1. The request for a judicial delegation shall be addressed by the Ministry of Justice of the requesting State to the Ministry of Justice of the requested State and shall be returned through the same channel.
2. In case of urgency, the request for a judicial delegation shall be addressed by the judicial authorities of the requesting State directly to the judicial authorities of the requested State, and a copy of the request shall be sent at the same time to the Ministry of Justice of the requested State. The request, accompanied by the documents relating to its implementation, shall be returned through the channel stipulated in the preceding paragraph.
3. The request for a judicial delegation may be sent by the judicial authorities directly to the competent authority in the requested State, and replies may be forwarded directly through this authority.

Article 31

Requests for judicial delegation and their accompanying documents must be signed and must bear the seal of the competent authority or be authenticated by it. Such documents shall be exempt from all formalities that may be required by the legislation of the requested State.

Article 32

Should an authority that receives a request for a judicial delegation not have the competence to deal with it, it shall automatically refer it to the competent authority in its State. In the event the request has been sent directly, it shall notify the requesting State in the same manner.

Article 33

Every refusal of a request for a judicial delegation must be accompanied by a statement of the grounds for such refusal.

Chapter III: Measures for the Protection of Witnesses and Experts

Article 34

If, in the estimation of a requesting State, the appearance of a witness or expert before its judicial authority is of particular importance, it shall indicate this fact in its

request. The request or summons to appear shall indicate the approximate amount of the allowances and the travel and subsistence expenses and shall include an

undertaking to pay them. The requested State shall invite the witness or expert to appear and shall inform the requesting State of the response.

Article 35

1. A witness or an expert who does not comply with a summons to appear shall not be subject to any penalty or coercive measure, not withstanding any contrary statement in the summons.
2. Where a witness or an expert travels to the territory of the requesting State of his own accord, he should be summoned to appear in accordance with the provisions of the domestic legislation of that State.

Article 36

1. A witness or an expert shall not be prosecuted, detained or subjected to any restrictions on his personal liberty in the territory of the requesting State in respect of any acts or convictions that preceded the person's departure from the requested State, regardless of his nationality, as long as his appearance before the judicial authorities of that State is in response to a summons.
2. No witness or expert, regardless of his nationality, who appears before the judicial authorities of a requesting State in response to a summons may be prosecuted, detained or subjected to any restriction on his personal liberty in the territory of that State in respect of any acts or convictions not specified in the summons and that preceded the person's departure from the territory of the requested State.
3. The immunity stipulated in this article shall lapse if the witness or expert sought, being free to leave, remains in the territory of the requesting State for a period of 30 consecutive days after his presence is no longer required by the judicial authorities or, having left the territory of the requesting State, has voluntarily returned.

Article 37

1. The requesting State shall take all necessary measures to protect witnesses and experts from any publicity that might endanger them, their families or their property as a result of their provision

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of testimony or expertise and shall, in particular, guarantee confidentiality with respect to:

- a. The date, place and means of their arrival in the requesting state;
 - b. Their place of residence, their movements and the places they frequent;
 - c. Their testimony and the information they provide before the competent judicial authorities.
2. The requesting State shall undertake to provide the necessary protection for the security of witnesses and experts and of members of their families that is required by their situation, the circumstances of the case in connection with which they are sought and the types of risks that can be anticipated.

Article 38

1. Where a witness or expert whose appearance, is sought by a requesting State is in custody in the requested State, he may be temporarily transferred to the location of the hearing where he is requested to provide his testimony under conditions and at times to be determined by the requested State. Such transfer may be refused if:
 - a. The witness or expert in custody objects;
 - b. His presence is required for criminal proceedings in the territory of the requested State;
 - c. His transfer would prolong the term of his detention;
 - d. There are considerations militating against his transfer.
2. The witness or expert thus transferred shall continue to be held in custody in the territory of the requesting State until such time as he is returned to the requested State unless the latter State requests that he be released.

Part Four: Final Provisions

Article 39

This Convention is subject to ratification, acceptance or approval by the signatory States, and instruments of ratification, acceptance or approval shall be deposited with the General Secretariat of the League of Arab States within 30 days of the date of such ratification, acceptance or approval. The General Secretariat shall notify member States of the deposit of each such instrument and of its date.

Article 40

1. This convention shall enter into force on the thirtieth day after the date as of which instruments of ratification, acceptance or approval have been deposited by seven Arab States.
2. This Convention shall enter into force for any other Arab State only after the instrument of ratification, acceptance or approval has been deposited and 30 days have elapsed from the date of that deposit.

Article 41

No Contracting State may make any reservation that explicitly or implicitly violates the provisions of this Convention or is incompatible with its objectives.

Article 42

A contracting State may denounce this Convention only by written request addressed to the Secretary-General of the League of Arab States. Denunciation shall take effect six months from the date the request is addressed to the Secretary-General of the League of Arab States.

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The provisions of this Convention shall remain in force in respect of requests submitted before this period expires.

Done at Cairo, this twenty-second day of April 1998, in a single copy, which shall be deposited with the General Secretariat of the League of Arab States. A certified copy shall be kept at the General Secretariat of the Council of Arab Ministers of the Interior, and certified copies shall be transmitted to each of the parties that are signatories to this Convention or that accede hereto.

In witness whereof, the Arab Ministers of the Interior and Ministers of Justice have signed this Convention on behalf of their respective states.